

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF MISSISSIPPI

**FILED**

JAN 14 2013

DAVID CREWS, CLERK  
BY Deputy

Walter Vaughn Johnson, Jr.  
Plaintiff

v.

CASE NO.

3:13CVD43-M-V

The Desoto County Sheriff Dept.  
Defendant

PRISONER'S COMPLAINT CHALLENGING CONDITIONS OF CONFINEMENT

1. The Plaintiff's full legal name, the name under which the Plaintiff was sentenced, the Plaintiff's inmate identification number, the Plaintiff's mailing address, and the Plaintiff's place of confinement are as follows:

A. Legal name:

Walter Vaughn Johnson, Jr.

B. Name under which sentenced:

Walter Vaughn Johnson, Jr.

C. Inmate identification number:

120639

D. Plaintiff's mailing address (street or post office box number, city, state, ZIP):

311 West South Street

Hernando, MS 38632

E. Place of confinement:

Desoto County Adult Detention Facility

2. Plaintiff names the following person(s) as the Defendant(s) in this civil action:

Name:

Director Rice

Title (Superintendent, Sheriff, etc.):

Internal Affairs Director

Defendant's mailing address (street or post office box number, city, state, ZIP):

311 West South Street

Hernando, MS 38632

Name:

Chad M. Wicker

Title (Superintendent, Sheriff, etc.):

Commander and Chief

Defendant's mailing address (street or  
post office box number, city, state, ZIP)

311 West South Street

Hernando, MS 38632

Name:

Bill Rascoe

Title (Superintendent, Sheriff, etc.):

Sheriff of DeSoto County

Defendant's mailing address (street or  
post office box number, city, state, ZIP)

311 West South Street

Hernando, MS 38632

Name:

Title (Superintendent, Sheriff, etc.):

Defendant's mailing address (street or  
post office box number, city, state, ZIP)

(If additional Defendants are named, provide on separate sheets of paper the complete name, title, and address information for each. Clearly label each additional sheet as being a continuation of Question 2).

3. Have you commenced other lawsuits in any other court, state or federal, dealing with or pertaining to the same facts that you allege in this lawsuit or otherwise relating to your imprisonment? ☐ Yes ☒ No

4. If you checked "Yes" in Question 3, describe each lawsuit in the space below. If there is more than one lawsuit, describe the additional lawsuit(s) on separate sheets of paper; clearly label each additional sheet as being a continuation of Question 4.

## A. Parties to the lawsuit:

Plaintiff(s):

Defendant(s):

B. Court:

C. Docket No.:

D. Judge's Name:

E. Date suit filed:

F. Date decided:

G. Result (affirmed, reversed, etc.):

5. Is there a prisoner grievance procedure or system in the place of your confinement? ☒ Yes ☐ No
6. If "Yes," did you present to the grievance system the same facts and issues you allege in this complaint? (See question 9, below). ☒ Yes ☐ No

7. If you checked "Yes" in Question 6, answer the following questions:

A. Does the grievance system place a limit on the time within which a grievance must be presented?

☐

Yes

☒

No

B. If you answered "Yes," did you file or present your grievance within the time limit allowed?

☐

Yes

☐

No

C. The court must find that you exhausted the prison's grievance system and administrative remedies before it can consider this Complaint. State everything you did to present your grievance(s). Be specific. Include the date(s) on which you filed or presented your grievances to prison officers; identify the officer(s). State your claim(s) exactly.

I stated my concerns to various officers along with their superiors. After being ignored, on 1/28/13 I submitted a grievance form to Internal Affairs Director Rice. On 2/4/13 I received the form back from Chad Wicker.

D. State specifically what official response your grievance received. If the prison provides an administrative review of the decision on your grievance, state whether you applied for that review and what the result was.

On 2/4/13 I received the grievance form back. It stated "I am unaware of any issues. I will have maintenance come check it out." It was signed by Chad M. Wicker, though I addressed it to Internal Affairs Director Rice.

ND MISS: FORM P3, COMPLAINT CHALLENGING CONDITIONS OF CONFINEMENT (4/00)

**Special Note:** Attach to this Complaint as exhibits complete copies of all requests you made for administrative relief through the grievance system, all responses to your requests or grievances, all administrative appeals you made, all responses to your appeals, and all receipts for documents that you have.

8. If you checked "No" in Question 6, explain why you did not use the grievance procedures or system:

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9. Write below, as briefly as possible, the facts of your case. Describe how each Defendant is involved. Write the names of all other persons involved. Include dates and precise places of events. Do not give any legal argument or cite any legal authority. If you have more than one claim to present, number each claim in a separate paragraph. Attach additional pages only if necessary; label attached pages as being continuations of Question 9.

On 1/23/13 I was placed into H Tank in unsanitary living conditions. I have no working hot water at all, it doesn't even warm up. The toilet leaks consistently from the bottom. The staff has given me a blanket to catch the water. The blanket is now moldy and causing a very foul odor. It has become very difficult for me to breathe since there is no air circulating within the cell. I addressed my grievance form to internal affairs director Rice but Chad M. Wicker completed it and returned it to me. Sheriff Rascoe is the next chain of command and signs off on all decisions that Mr. Wicker and Director Rice make.

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ND MISS. FORM P3, COMPLAINT CHALLENGING CONDITIONS OF CONFINEMENT (4/00)

10. State briefly exactly what you want the court to do for you. Do not make legal arguments. Do not cite legal authority.

I want the court to assist me in obtaining fair and sanitary living conditions. I also would like your department to assist me in obtaining some sort of compensation for the mental and physical pain and suffering that I have had to endure at the hands of the staff of The Desoto County Adult Detention Facility.

This Complaint was executed at (location):

Desoto County Adult Detention Facility

and I declare or certify or verify or state under penalty of perjury that this Complaint is true and correct.

Date:

2-8-13

Walter U. Johnson  
Plaintiff's Signature



DIRECTOR  
RICE

DIRECTOR  
RICE

## Desoto County Adult Detention Facility Detainee Request/Grievance Form

Detainee's Name: Walter V. Johnson

Housing Unit: H-8

Date: 1-28-13

Date of Arrest: 12-5-04

I AM BEING HOUSED IN "Solitary Confinement" IS A  
NONE WORKING CELL. I HAVE NO "HOT-WATER" MY TOILET  
IS LEAKING WATER TO THE FLOOR. I HAVE REQUESTED  
MAINTENANCE, BUT ALL I GET IS THE "WAD" FROM  
"D.C." OFFICERS. THERE IS A BLANKET PUT UNDER THE TOILET  
IF THE WATER, THE BLANKET IS NOW MOIST, CAUSING A FEAR  
FOUL ODOR, WHICH IS MAKING IT HARD FOR ME TO BREATHE.

"THIS IS A VIOLATION OF MY 'CONSTITUTIONAL RIGHTS' & BE  
FROM 'CRUEL & UNUSUAL' PUNISHMENT. BOTH 'STATE & FEDERAL'  
LAW PREVENTS THIS KIND OF TREATMENT, FORWARD TO JUDGE."

Detainee's Signature: Walter Johnson Date 1-28-13

### FIRST STEP

Officer's Response: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Officer's Signature: \_\_\_\_\_ Date \_\_\_\_\_

### SECOND STEP

Jail Administrator's Response: I am unaware of any  
maintenence issue. I will have maintenence  
come check it out.

\_\_\_\_\_  
\_\_\_\_\_

Jail Administrator's Signature: CMW Date 2-4-13

\_\_\_\_\_ Request/Grievance was sent to Internal Affairs Director

Walter R. Johnson, Jr.  
311 West South Street  
Hernando, MS 38632



**RECEIVED**

FEB 14 2013

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF MISSISSIPPI



**X-PRAYED**

United States District Court  
Northern District of Mississippi  
Office of The Clerk  
P.O. Box 704

Approved by [Signature]

3973030704